

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CONSTRUCTION LABORERS  
PENSION TRUST OF GREATER  
ST. LOUIS, et al.,

Plaintiffs,

v.

FUNKO, INC., et al.,

Defendants.

CASE NO. C23-0824JLR

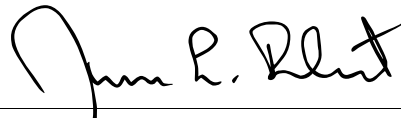
ORDER

On May 16, 2024, the court granted Defendants Funko, Inc., Andrew Perlmutter, and Jennifer Fall Jung’s motion to dismiss the amended complaint. (5/16/24 Order (Dkt. # 53); *see also* MTD (Dkt. # 39); Am. Compl. (Dkt. # 38).) The court dismissed the amended complaint without prejudice and with leave to amend. (5/16/24 Order at 48-49.) On July 1, 2024, lead plaintiff Construction Laborers Pension Trust of Greater St. Louis and named plaintiff Paul Haddock (together, “Plaintiffs”) filed a notice “of their decision not to amend the First Amended Complaint,” and their “inten[t] to pursue their

1 appellate rights after the Court enters judgment.” (Notice (Dkt. # 56) at 2 (citing *WMX*  
2 *Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (“[A] plaintiff, who  
3 has been given leave to amend, may not file a notice of appeal simply because he does  
4 not choose to file an amended complaint. A further district court determination must be  
5 obtained.”)).)

6 In light of Plaintiffs’ July 1, 2024 notice, the court DISMISSES the amended  
7 complaint with prejudice and without leave to amend. (*See generally* Notice; Am.  
8 Compl.); *see WMX Techs.*, 104 F.3d at 1136.

9 Dated this 8th day of July, 2024.

10   
11 JAMES L. ROBERT  
United States District Judge